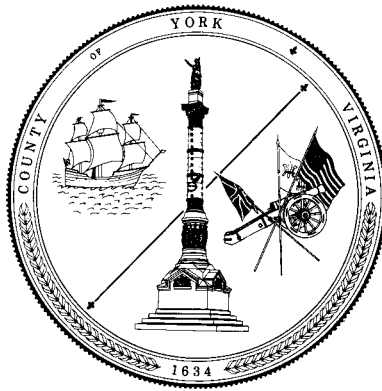


COUNTY OF YORK

2001

LEGISLATIVE PROGRAM



BOARD OF SUPERVISORS

Walter C. Zaremba, Chairman

James S. Burgett, Vice Chairman

Sheila S. Noll

Melanie L. Rapp

Donald E. Wiggins

COUNTY ADMINISTRATOR

Daniel M. Stuck

COUNTY ATTORNEY

James E. Barnett

Prepared by the Office of the County Attorney

INTRODUCTION

The Board of Supervisors is pleased to commend this Legislative Program for consideration by the 2001 General Assembly. It was adopted and endorsed by the Board on November 21, 2000, by Resolution R00-194.

The Program is in two parts. Part I requests specific legislation to address the needs of York County. Part II outlines certain general legislative policies on which the Board believes our delegation should focus. With the support of our legislators, I know that our County government will be improved and the quality of life for our citizens will be enhanced.

If, during the course of the session, our legislators have questions concerning the position of the County on legislative matters, they are encouraged to contact Daniel M. Stuck, our County Administrator, at 890-3320, or James E. Barnett, our County Attorney, at 890-3340, who would be pleased to respond to any questions that you might have with regard to the legislation proposed.

Walter C. Zaremba, Chairman
Board of Supervisors

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York County Finance Building, Yorktown, Virginia, on the 21st day of November, 2000:

Present

Vote

Walter C. Zaremba, Chairman
James S. Burgett, Vice Chairman
Sheila S. Noll
Melanie L. Rapp
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION APPROVING THE COUNTY'S 2001 LEGISLATIVE PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2001 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that this Board hereby approves the County's 2001 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2001 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

PART I

SUMMARY OF LEGISLATION REQUESTED BY THE COUNTY

- 1. INCREASE FUNDING FOR THE STATEWIDE TRANSPORTATION REVENUE SHARING PROGRAM**
- 2. RESTORE THE \$13.4 MILLION FOR ROUTE 17 IMPROVEMENTS DELETED FROM THE CURRENT VIRGINIA TRANSPORTATION DEVELOPMENT PLAN**
- 3. AMEND VIRGINIA CODE § 59.1-274 TO ALLOW THE ESTABLISHMENT OF AT LEAST ONE ENTERPRISE ZONE IN EVERY COUNTY OR CITY**
- 4. ACTIVELY SEEK STATE FUNDING TO SUPPORT YORKTOWN WATERFRONT IMPROVEMENT EFFORTS**
- 5. OPPOSE AMENDMENTS TO THE STATEWIDE BUILDING CODE WHICH INTERFERE WITH LOCAL PLANNING**
- 6. AMEND THE CHESAPEAKE BAY PRESERVATION ACT TO MODIFY THE REGULATORY REQUIREMENT FOR SEPTIC SYSTEM PUMP OUTS AT LEAST EVERY FIVE YEARS**
- 7. AMEND VIRGINIA CODE § 53.1-183 TO DELETE THE REQUIREMENT THAT MEMBERS OF LOCAL GOVERNING BODIES SHALL SERVE ON COMMUNITY CRIMINAL JUSTICE BOARDS**
- 8. AUTHORIZE A DEMONSTRATION TRAFFIC SIGNAL PHOTO-MONITORING SYSTEM**

PART II

SUMMARY OF LEGISLATIVE POLICIES

- 1. INCREASE STATE FUNDING TO LOCALITIES FOR NEW AND EXISTING STATE MANDATED PROGRAMS.**
- 2. INCREASE STATE FUNDING OF THE TRUE COSTS OF EDUCATION.**
- 3. OVERHAUL THE COMMONWEALTH'S TAX STRUCTURE.**
- 4. MAXIMIZE STATE FUNDING FOR PRIORITY REGIONAL TRANSPORTATION PROJECTS IN HAMPTON ROADS.**
- 5. MAKE CHANGES TO STATE PROGRAMS THAT ENHANCE THE EFFECTIVENESS OF PUBLIC EXPENDITURES - DON'T INCREASE LOCAL RESPONSIBILITIES AND SHIFT THE COST WHILE AT THE SAME TIME REDUCING STATE SERVICES AND FUNDING.**

PART I

**SUMMARY OF
LEGISLATION REQUESTED
BY THE COUNTY**

INCREASE FUNDING FOR THE STATEWIDE TRANSPORTATION REVENUE SHARING PROGRAM

The transportation Revenue Sharing Program is a 50/50 matching program which allows the Commonwealth to double its transportation dollars by allowing counties needing specific highway improvements to commit non-State funding as a match. Given the limited transportation funding available, this seems to be a good leveraging of State assets.

York County has made good use of this program. Some examples of recent County projects funded through this program are:

- Repaving of portions of Route 17
- Preliminary engineering of a realignment of Water Country Parkway
- Yorktown street drainage and walking improvements
- Expansion of Rochambeau Drive to four lanes
- Construction of sidewalks along Second Street and Richmond Road
- Opticon Remote Control System for control of traffic signals during emergencies

The revenue sharing program is currently funded at \$15 million annually. We request that this be increased to \$20 million annually.

RESTORE THE \$13.4 MILLION FOR ROUTE 17 IMPROVEMENTS DELETED FROM THE CURRENT VIRGINIA TRANSPORTATION DEVELOPMENT PLAN

Prior to this year, the VDOT Six Year Transportation Plan (now renamed the "Virginia Transportation Development Plan") included a project to widen Route 17 from the Coleman Bridge to Route 105 to six lanes. The project in last year's plan was identified as costing \$37,405,000, with \$31,670,000 having been accumulated for the project through previous funding allocations. However, the transportation plan adopted by the Commonwealth Transportation Board on October 18, 2000, shows the cost of the project reduced to \$18,603,000, with accumulated allocations of \$18,282,000. The County has questioned the wisdom of widening the least congested segment of Route 17 (i.e., between the Coleman Bridge and Route 105) and is currently engaged in discussions with VDOT to reduce the scope of the established project and to transfer funding to complete improvements to the more heavily congested southern segments of Route 17 (i.e., south of Route 105). The \$13,388,000 deleted from the project in this year's Transportation Development Plan would fund a large part of these needed improvements. We request that necessary legislation be adopted to restore full funding to the project so that the entire length of Route 17 in York County can be improved.

AMEND VIRGINIA CODE § 59.1-274 TO ALLOW THE ESTABLISHMENT OF AT LEAST ONE ENTERPRISE ZONE IN EVERY COUNTY OR CITY

The Virginia Enterprise Zone Act (Virginia Code § 59.1-270, *et seq.*) authorizes the Department of Housing and Community Development to designate as many as 60 enterprise zones throughout the State. Any county, city, or town is eligible to apply for one or more enterprise zone designations, although no locality may have more than three enterprise zones. At present, no enterprise zone is located in York County, and all 60 zones have either been designated or the criteria for application exclude York County.

As presently drafted, Virginia Code § 59.1-274 establishes economic criteria for any enterprise zone. For the most part, any area for which designation is sought as an enterprise zone must either (i) have 25% or more of the population with incomes below 80% of the median income of the jurisdiction, or (ii) have an unemployment rate 1.5 times the state average, or (iii) have a demonstrated floor area vacancy rate of industrial and/or commercial properties of 20% or more. However, five of any areas designated as enterprise zones on or after July 1, 1999 must have annual average unemployment rates that are 50% higher than the final statewide average unemployment rate for the most recent calendar year, or be within planning districts that have annual average unemployment rates that are at least 1% greater than the statewide average. Legislation adopted by the 2000 General Assembly, which increased the number of authorized enterprise zones from 55 to 60, required that the additional five zones designated after July 1, 2000 shall be in localities that have annual average unemployment rates that are 50% higher than the statewide average.

At present, York County does not meet any of the economic criteria for enterprise zones. Nonetheless, the enterprise zone concept, which provides for a number of tax exemptions for new businesses, could provide an important economic incentive for the creation of new businesses in any jurisdiction. Consequently, we support the amendment of Virginia Code § 59.1-274 to increase the number of enterprise zones authorized in Virginia, with the additional zones being awarded without regard to the economic criteria applicable to the zones which are currently authorized. One possible approach is suggested by the Virginia Association of Counties in its legislative program, which is to allow the creation of at least one enterprise zone in every Virginia county or city regardless of the income or unemployment rate criteria applicable to the 60 enterprise zones already authorized.

ACTIVELY SEEK STATE FUNDING TO SUPPORT YORKTOWN WATERFRONT IMPROVEMENT EFFORTS

York County is currently in the midst of a large-scale, multiyear project to improve the appearance and economic viability of the Yorktown waterfront. Already, the County has expended approximately \$1.1 million to stabilize and replenish the sand on Yorktown Beach, and additional beach stabilization efforts are being planned. A riverwalk is under construction, which when completed will provide an attractive pedestrian walkway along the length of the Yorktown Beach, extending a total distance of .75 mile to the Yorktown Victory Center just west of the village. The master plan for the project also includes the construction of a new pier large enough to accommodate the docking of passenger ships and dinner cruises. Areas adjacent to the beach will be landscaped, and building(s) for a restaurant and retail shops will be constructed. The County is hoping to achieve substantial completion of the project by the year 2006, in time for the 225th anniversary of the Battle of Yorktown, with final completion to occur no later than 2007, in time for the 400th anniversary of the founding of Jamestown. The County has already spent a total of \$7 million for the project, leaving an estimated \$12 million to be expended before the project is completed. To date, the County has been able to secure about \$2.6 million in state or federal funding. We ask our legislators to seek approval of state funding for all or a portion of the following costs:

- Shoreline erosion protection and beach restoration \$ 900,000
- Completion of Yorktown Riverwalk \$ 150,000
- Pier construction \$2,800,000

OPPOSE AMENDMENTS TO THE STATEWIDE BUILDING CODE WHICH INTERFERE WITH LOCAL PLANNING

The Virginia Housing Study Commission is currently considering an amendment to Virginia Code § 36-98, (one of the state code sections authorizing adoption of the uniform statewide building code). As the proposed amendment was originally drafted, the new language would indicate that the statewide Building Code would "supersede the provisions of any...local ordinance, including local zoning ordinances and map amendments, including those which include proffers pursuant to a conditional zoning process, which require a particular manner or type of construction, or which mandate the use of particular building features, materials, style, equipment, or size." If adopted as originally drafted, the amendment would prevent local governments from accepting rezoning proffers relative to building design and appearance, and might impair the ability of local governments to adopt architectural standards in, for example, historical or airport overlay districts.

Although the Commission is considering revisions to the draft legislation which would make exceptions for historic and airport overlay districts, zoning proffers, and special use permits and variances, we ask that this legislation (if introduced) be closely watched to ensure that traditional local governmental authority regarding land use planning and zoning is not compromised. We ask that you oppose any amendments to the Uniform Statewide Building Code which inhibit the adoption of local ordinances that promote community character and which do not adversely affect the safety or structural integrity of buildings. The Uniform Statewide Building Code, in our estimation, should properly concern itself with the structural integrity, stability, safety, and functional standards of buildings. It should not be modified so as to intrude into traditional planning and zoning functions which are best left to local governments. A copy of a letter of October 16, 2000, from Daniel M. Stuck, York County Administrator, to the Honorable Martin E. Williams of the Virginia Senate, is attached for a further explanation of the County's position in this matter.

AMEND THE CHEASPEAKE BAY PRESERVATION ACT TO MODIFY THE REGULATORY REQUIREMENT FOR SEPTIC SYSTEM PUMP OUTS AT LEAST EVERY FIVE YEARS

The Virginia Chesapeake Bay Preservation Act (Virginia Code § 10.1-2100, *et seq.*) requires that local zoning and subdivision ordinances shall comply with all regulatory criteria developed by the Chesapeake Bay Local Assistance Board (CBLAB). See Virginia Code § 10.1-2109 (C) and (D). Regulation 9 VAC 10-20-120 ("General Performance Criteria"), adopted by CBLAB mandates that local ordinances shall require septic system pump outs at least every five years for onsite sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System Permit. The York County Code imposes such a pump out requirement not only within Chesapeake Bay Resource Management areas, but generally throughout the County.

A number of citizens have complained of the financial hardship imposed by the requirement to pump out septic systems every five years even in the absence of evidence that the septic system is malfunctioning. It is true that CBLAB has recently proposed an amendment to its regulations (see the October 9 issue of the Virginia Register) which would allow a property owner, instead of pumping out a septic tank, to install a filter at the tank's outflow pipe to prevent solids from being discharged into the septic drain field. However, it is presently uncertain whether the regulation will be adopted, and, of course, CBLAB could further modify its regulations either to reinstate the five year pump out requirement or otherwise to impose upon local governments an arbitrary pump out requirement which not all septic systems will require.

We believe a better resolution would be to amend Virginia Code § 10.1-2107 to require that regulations adopted by CBLAB not impose a requirement for pump out of a septic system absent evidence that the septic system is failing. That could be accomplished in several ways, such as amending the code to require periodic pump outs unless a property owner can provide documentation of an inspection performed by a qualified inspector that a septic system is functioning properly. In the alternative, the code could be amended to establish a connection between the required frequency of pump outs to soil types or to the number of persons occupying a building, so that owners of septic systems located in favorable soils or owners of buildings with low occupancy rates would confront the cost of a pump out less frequently than every five years. Attached for your consideration is a proposed revision of Virginia Code § 10.1-2107 which follows the first proposed solution.

AMEND VIRGINIA CODE § 53.1-183 TO DELETE THE REQUIREMENT THAT MEMBERS OF LOCAL GOVERNING BODIES SHALL SERVE ON COMMUNITY CRIMINAL JUSTICE BOARDS

Virginia Code § 53.1-183 requires that every county or city or combination thereof which has established a local pretrial services or a community based probation program (as authorized by the Comprehensive Community Corrections Act for Local-Responsible Offenders) shall establish a Community Criminal Justice Board. The 2000 General Assembly amended Virginia Code § 53.1-183 to require that the membership of each such board shall consist of, among others, a member of each governing body represented on the board, or (in the case of a county) the county administrator or assistant or deputy county administrator. It is the Board's sincere hope, with the number of commitments to boards and commissions which board members and county administrators already share, that Virginia Code § 53.1-183 be amended to allow every local governing body greater flexibility in selecting a person of its own choosing to represent the local governing body on the Community Criminal Justice Board, should it so choose. A proposed textual amendment of the Virginia Code is attached for your consideration.

AUTHORIZE A DEMONSTRATION TRAFFIC SIGNAL PHOTO-MONITORING SYSTEM

Virginia Code § 46.2-833.01 authorizes certain localities to provide by ordinance for the establishment of a demonstration program of installing traffic signal photo-monitoring systems at up to twenty-five intersections in each locality. Localities which have this authority are the cities of Virginia Beach and Richmond, Fairfax County, and all counties, cities, and towns adjacent to Fairfax. The monitoring systems identify vehicles which run red lights, for example, and authorize their owners to be notified and fined by mail.

The 2000 General Assembly passed an amendment (SB 414) which would have added York County and a number of other jurisdictions to the list of localities authorized to conduct photo-monitoring, but it was vetoed by Gov. Gilmore.

The County's Transportation Safety Commission reports that this program has been successful everywhere it has been implemented. We request that legislation be introduced adding York County to those localities authorized by Virginia Code § 46.2-833.01 to have such a program. Attached is a draft code amendment which would accomplish that result.

PART II

SUMMARY OF LEGISLATIVE POLICIES

INCREASE STATE FUNDING TO LOCALITIES FOR NEW AND EXISTING STATE MANDATED PROGRAMS

The State has enacted many new programs, in addition to the hundreds of existing ones, mandating the provision by local governments of services which are either unfunded or under funded by the Commonwealth. The State has for many years acted as a partner with local government to fund certain services. With State priorities shifting, this partnership has been neglected. The primary areas to which increased State funding should be directed to revitalize the State/local partnership are:

- Constitutional Offices, particularly the Sheriff's Office. In FY 1996, County expenditures for all Constitutional Offices were \$5.4 million, of which the State reimbursed \$2.4 million or 44%; in FY 2000 the total spent on Constitutional Offices was \$6.6 million and the State contributed \$3 million or 47%. These figures have remained relatively consistent since 1994, even though the Code of Virginia requires the Commonwealth to bear one-half the cost of the salaries and expenses of the Treasurer and of the Commissioner of the Revenue, and all of the salaries and expenses for the Sheriff and the Commonwealth's Attorney.
- Social Services (including child abuse prevention, foster care, and foster care prevention) and mental health programs; Social Service administrative costs and office space funding. The costs of the Comprehensive Services Act have risen dramatically since inception. In FY94, the first year of the Act, York's local costs were \$43,337 and were \$294,968 in FY00. This is exclusive of the extremely complicated costs of administration, which is estimated to have a shortfall of up to \$46,000 for the Department of Social Services alone. Additionally, costs are incurred above that figure by the School Division, the County's fiscal management staff and the Director of Community Services. It is likely that if all associated costs were calculated, the total local administrative burden would be closer to \$70,000.
- Human Services. For example, prior to implementing a new funding formula for juvenile detention, State funding was not capped, and the State paid for between 60% to 80% of the costs, including 50% of construction costs, 2/3 of salaries and 100% of operations. Now, this has been reversed, and for all practical purposes, the local share is now roughly 80%. See the detailed discussion on human services issues which is attached for more examples.

COUNTY OF YORK



COUNTY ADMINISTRATOR
Daniel M. Stuck

VIRGINIA

BOARD OF SUPERVISORS

Walter C. Zaremba
District 1
Sheila S. Noll
District 2
Donald E. Wiggins
District 3
James S. Burgett
District 4
Melanie L. Rapp
District 5

July 25, 2000

Joint Legislative Audit and Review Committee
Suite 1100
General Assembly Building
Richmond, Virginia 23219

Dear Sirs:

We are writing to provide comments for consideration as a part of the ongoing study of education funding. The York County Board of Supervisors and School Board, as well as the County Administrator and Superintendent of Schools, look forward to working with the Joint Legislative Audit and Review Committee (JLARC) to review the Standards of Quality (SOQ) funding formula.

York County is under considerable fiscal stress to meet the demands for public education. State funding provided for the SOQ does not adequately meet the need for education funding. The following information is not intended to be a comprehensive list of all the concerns with the state funding of the SOQ. Only major issues are addressed.

1. **Minimum standards** - The concept behind the funding from the state rests on the shared responsibility of the locality and the state in paying for the public education of our students. Perhaps a broad concern that would relate to all of the following specific issues would be that this funding is predicated on the minimum standards that school divisions are required to provide. Parents and community members in general would never be content with the minimum standards that are specified in the Standards of Quality and the state accreditation regulations. For that reason, localities exceed the minimum funding levels by large percentage margins. For example, in York County the locality provides 148% or \$8,645,998 more than the required amount of local funding for the operation of its schools. Including debt service and capital outlay, the locality provides 191% or \$16,338,332 more than the required amount.

2. **Salary calculation** - The use of the Linear Weighted Average to calculate teacher salaries consistently underestimates the actual salaries paid to teachers in York County. In York County the budgeted average elementary teacher salary for

FY01 is \$37,295 and the state linear salary for funding in FY01 is \$34,902. The difference in cost between the state linear salary and the actual salary falls on the County to fund. For elementary teachers alone that additional cost is \$1.2 million. Consideration should be given to using a more realistic measure of teacher salaries.

3. Number of positions funded using the Standards of Quality (SOQ) - In addition to the salary issue, the number of positions that are funded by the state is significantly less than the number of positions actually needed in local divisions. The state-funded pupil teacher ratios should be comparable to actual figures. Additionally, resource teachers such as elementary music, art and physical education teachers are not included in SOQ-funded positions. The total number of teacher positions in the York County School Division exceeds the SOQ requirements by 121 teachers. The cost of 121 teachers is approximately \$4.5 million and that cost is borne entirely by the locality.

4. Special education costs - In the York County School Division total special education costs in FY01 are projected to exceed \$6.5 million. State and federal funding for special education in FY01 is projected to be \$2.2 and \$.8 million, respectively. The remaining 53%, or \$3.5 million, of special education costs is shouldered by the locality. With the increase in requirements for special education services, a mechanism needs to be included in the funding formula to fund these increases as they occur. For example, many Individualized Educational Plans (IEP's) call for personal assistants for students. There is no way to capture that cost in the current funding formula. Another example of the high cost of special education can be illustrated with residential placements. In FY00 the York County School Division had 3.5 students in residential placements. The cost of services for these students was \$350,000. The state reimbursed the school division \$180,000 leaving \$170,000 to be funded by the locality for just 3.5 students. The average cost per non-identified student is \$6,300 per year.

5. Cost of technology - Although there has been some categorical funding for specific technology costs, the categorical funds are not permanent and are funded through VPSA bond sales. Technology costs should be incorporated into the SOQ funding formula. Over the past six years the York County School Division has spent more than \$19 million on hardware and infrastructure for instructional technology. The state provided approximately \$2.1 million or 11% of that funding. The remaining \$16.9 million was funded by the locality. In addition, the cost of technology goes well beyond just hardware costs and maintenance. School divisions must hire support personnel to maintain the technology systems and to provide user training. The York County School Division spends over \$1.1 million a

year for personnel to maintain technology systems and to train staff on the use of technology.

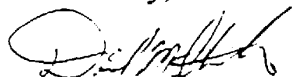
6. **School construction costs and building maintenance costs** - Prior to the school construction funding and the Lottery Proceeds in the last biennium, all construction was funded locally. Over the last six years York County has spent over \$60 million for capital construction and building renovations. The school construction funding and the Lottery Proceeds over that same six-year period were \$2.2 million. While those two areas have helped, more needs to be done. The maintenance funding at \$15 per student is a small portion of the actual cost of maintaining our school buildings. The school division operating budget for operating and maintaining buildings in FY01 is \$7.4 million. The state maintenance funding for FY01 is \$0.1 million.

7. **New Standards of Learning** - The new Standards of Learning have financially impacted school divisions across the state. York County examples include extended school year programs, additional teachers to lower student teacher ratios across the division, new textbook purchases that align the curriculum with the SOL's, and remedial instructional programs beyond regular school hours...and the list goes on. The approximate annual cost to implement the new SOL's is \$1,246,000. In FY01 the state will provide \$316,000 for SOL teaching materials, teacher training and remediation. The school division will also direct federal grant revenues of \$78,000 to SOL teacher training. The locality is funding the remaining cost, \$852,000, of implementing the new SOL's.

8. **Composite index** - To equalize funding, the state funding formula uses a "composite index of local ability to pay." The composite index formula only relates to those programs and services falling within the state Standards of Quality. All other costs as pointed out in number 1 above are funded by the locality.

In our opinion, the SOQ does not provide adequate funding for realistic program and service levels and should be adjusted to eliminate inequities in funding across the state. Thank you for the opportunity to provide input for the study of education funding. Should you have questions concerning our comments or if we can provide additional information please let us know.

Sincerely,



Daniel M. Stuck
County Administrator



Steven R. Staples, Ed. D.
Superintendent of Schools



County of York

Human Services Legislative Issues 2000-2001

October 4, 2000

Prepared By: A.B. Smith
Director of Community Services

York County staff has identified the following areas as current Human Services Legislative concerns. Based upon recent trends and experiences during previous sessions of the General Assembly, the following issues should be considered as the County prepares for the coming session:

■ **Mental Health:**

Behavioral Health Care must be accomplished through both a state-wide, Commonwealth operated system and an adequately funded community based system of care.

Issue: The Commonwealth should maintain, fully fund and continue to operate a Statewide Mental Health System, to include residential facilities for long-term care of adults and adolescents.

Issue: The Commonwealth should provide funding sufficient to allow Community Services Boards to adequately meet the charge of providing a community based system of care.

During recent years there has been a continuing trend toward reorganization and downsizing of the State Mental Health care system. It is important to recognize that such downsizing has both a service and financial impact on localities.

- ◆ Current patients should not be released into the community without state funding sufficient to pay for service needs.
- ◆ The state presently pays for its institutions. After closing or significantly downsizing, there will no longer be any ability to hospitalize patients in a state facility. Localities should be very concerned about where those in need of psychiatric hospitalization will go in the future and who will be responsible for payments for that care.
- ◆ Adolescent units continue to close. This leaves the ever-increasing numbers of very seriously disturbed children no alternatives for residential care other than expensive private placements, usually cooperatively funded by state-local governments under the Comprehensive Services Act (CSA).

- ◆ Proposals have been made for use of closed state mental health facilities in whole or in part, as residential care facilities for CSA placements. These proposals variously suggest
 - a) making the facilities available to private providers: which would seem to divert public resources to for-profit activities without any indications that adequate assurance of a reduction in public costs could be secured.
 - or
 - b) having local governments operate the facilities as community based services: which has public policy implications for the shift from a state administered mental health system to a locally run and funded mental health system with diverse standards of care.

Some services are best run statewide. This is particularly true of a mental health system. The facilities should be used as residential care facilities but should be operated by the Commonwealth.

- ◆ York must be prepared to endorse community care only if sufficient funding is provided to adequately manage the decentralization of mental health services.

■ **Juvenile Justice:**

Issue: **The absence of mental health residential facilities and other treatment resources has a critical impact on the juvenile justice system.**

- ◆ **Residential Placements** – the Department of Mental Health, Mental Retardation and Substance Abuse Services (Department) has closed adolescent units at state mental health facilities. Dejarnette remains open but is for short-term stabilization only and it is difficult to secure placements there. The absence of mental health facilities for juveniles has removed options, limiting placements for those seriously disturbed children to extremely expensive private facilities. This has contributed significantly to the escalating costs of the Comprehensive Services Act (CSA) and has increased the numbers of juveniles with mental health diagnosis that are incarcerated in local detention centers. This is both a service and fiscal concern.
- ◆ **Juvenile Corrections vs. mental health placements** – disturbed juveniles are being found in increasing numbers in corrections facilities rather than mental health facilities. This raises questions about appropriate placements for juveniles and further emphasizes concerns regarding the absence of state mental health options. Additionally, when incarcerated, detention centers have no ability to provide mental health services and Community Service Boards have no resources to assign for this purpose. (HJR119 adopted by the 2000 General Assembly directed the

Virginia Commission on Youth to undertake a two-year study on this subject. The interim report is due to the 2001 General Assembly.)

Issue: Support the following fiscal positions:

1. Maintain the Virginia Juvenile Community Crime Control Act (VJCCCA) as a separate program.

- ◆ The VJCCCA was adopted by the 1995 General Assembly. It re-structured and expanded state funding for support of locally operated juvenile offender programs that provide for alternatives to secure detention. York is deeply involved in the delivery of these programs and serves as the managing locality for a number of local governments in the regional delivery of these programs. Prior to the VJCCCA, this funding was received through the state block grant system.
- ◆ VJCCCA funds programs that provide alternatives to secure detention. These are less costly and provide more opportunities for rehabilitation of juvenile offenders.
 - These funds should not be consolidated with funding for juvenile detention. Such consolidated funding could cause a shift from alternative programs to secure detention payments, placing the alternative programs at financial risk. If the alternatives are discontinued, the potential for rehabilitation decreases and the likelihood of additional, more costly, secure detention placements increases.
 - These funds should remain as a separate funding stream from the CSA funding. Any consolidation of these funds would further increase the confusion and complexity associated with the CSA and would place the court alternative programs at risk.

2. Address the issue of equitable cost sharing for juvenile detention.

- ◆ **Recommend Commonwealth support for operating costs at \$28,500 per bed per year**, with an adjustment linked to the consumer price index. This is identical to the request made in 2000, which was consistent with the recommendations of the Funding Study that was authorized by the 1999 General Assembly.
- ◆ **Increase State reimbursement for post-dispositional sentencing.**
 - Post-dispositional sentencing results in juveniles being sent to local detention facilities rather than the State for up to six months.
 - Localities must pay the costs associated with the detention of these juveniles.
 - Savings realized by the State (which would otherwise be responsible for these juveniles) should be passed along to localities.

♦ **State ward per diem**

- When juveniles are sentenced to the State Department of Juvenile Justice, they are housed in local facilities until they are picked up by the State.
- The State currently reimburses localities for housing these juveniles from the “date of acceptance.” Commonly this date is the same as the date the juveniles are picked up. Reimbursement should be made based on the date of sentencing.
- State ward per diem rates vary across localities. Rates should be based on expenses. It is currently unknown what basis is used to determine State per diem ward rates.

■ **General Issues to Monitor:**

♦ **Aging and Health:**

- With the general aging of the population, adult homes and assisted living facilities are becoming increasingly important. The General Assembly should review the current situation and provide direction to the appropriate state agencies for implementation of comprehensive standards of care for adult homes and assisted living facilities.
- It has become increasingly difficult to secure Certified Nurse Aids (CNA) and training programs are closing due to lack of students. Residential facilities, hospitals and in-home care for the elderly depend on CNAs and a shortage will have serious impact on both the availability and cost of care. This is directly attributable to the very low prevailing wage rates, poor working conditions and, customarily, the absence of benefits.

♦ **Comprehensive Services Act for At-Risk Youth and Families (CSA):**

Since 1992, state funds to support services for serious dysfunctional children and their families have been pooled in a single revenue stream and identified as the Comprehensive Services Act (CSA). These funds have a required local government match that can reach 45%. York’s match is 38.888%.

The CSA has resulted in:

- an increased administrative burden on participating localities
- loss of incentive to control costs at the agency level
- increased difficulty predicting necessary funding levels
- *blurred lines of responsibility and fiscal accountability*
- contributed to increased local cost of providing services

Local governments have found the CSA to be an urgent common concern. This is true for both service and funding issues.

York County
Human Services Legislative Concerns 2000-01
October 4, 2000

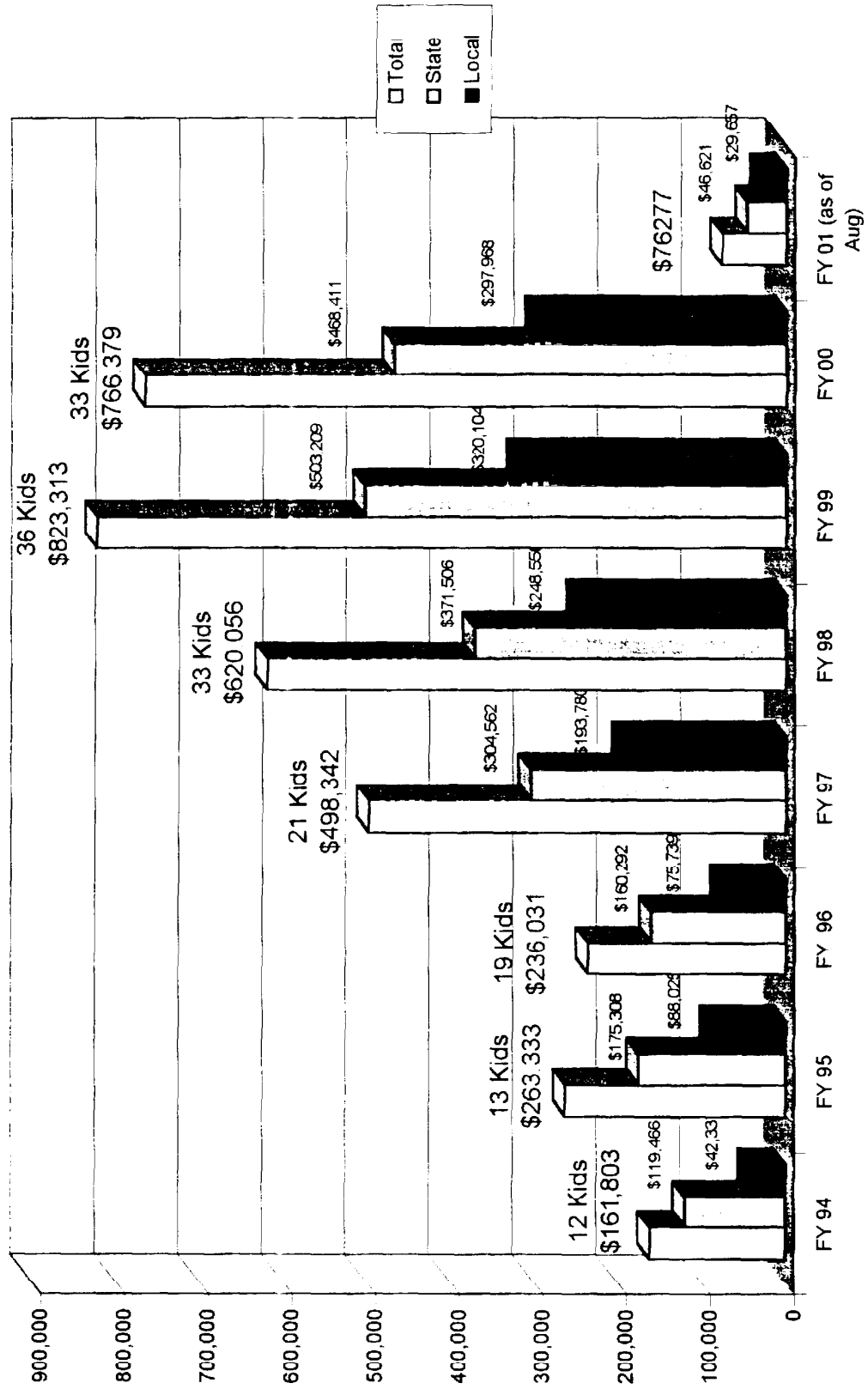
A CSA Local Government State Wide Work Group was established in March of 1999, and is presently chaired by York's Community Services Director. This work group has official representation from 70 local governments and four state-wide local government associations:

- Virginia Association of Counties (VACO)
- Virginia Municipal League (VML)
- Virginia Association of Local Human Services Officials (VALHSO)
- League of Social Services Executives

The Work Group collaborated very closely with General Assembly members and staff, the Secretary of Health and Human Resources and others in advance and during the 2000 session. HB1510 (Morgan) was adopted by the 2000 General Assembly to clarify the structure and accountability of the CSA on the state level. Various budget amendments were intended to provide additional, critically needed funding. This represented significant progress. Current concerns include the following:

- ▶ The Commonwealth developed a budget predicated on the use of Medicaid with unrealistic targets. Families have not met the Medicaid eligibility criteria and there is a serious shortfall in the current state budget (estimates have ranged from \$12.5 million to \$50 million) that will need to be filled by the 2001 General Assembly.
- ▶ The administrative burdens are extensive – the state support for administration is extremely limited. Additional funding should be provided for administration.
- ▶ The distinction between mandated and non-mandated children to be served with CSA funds and local option to select should be maintained.
- ▶ Support for adequate Mental Health community care resources and residential placement options.

York County CSA Profile FY94-Present



York County CSA Costs Summary

Fiscal Year	Source of Expenditures	Total	State Share	Local Share	Youth Served
FY94		161,803	119,466	42,337	12
	Social Services	54,975	44,288	10,687	
	Schools	106,828	75,178	31,650	
FY95		263,333	175,308	88,025	13
	Social Services	150,133	99,340	50,793	
	Schools	113,200	75,968	37,232	
FY96		236,031	160,292	75,739	19
	Social Services	140,246	94,963	45,283	
	Schools	95,785	65,329	30,456	
FY97		498,342	304,563	193,779	21
	Social Services	275,956	169,729	106,228	
	Schools	222,385	134,834	87,551	
FY98		620,056	371,506	248,550	33
	Social Services	347,268	209,488	137,780	
	Schools	272,787	162,016	110,770	
FY99	Final Expenditure	823,313	503,209	320,104	36
	Initial Allocation	433,338			
	Supplemental	400,595	244,844	155,751	
	Social Services	414,896	253,584	161,311	
	Schools	408,417	249,625	158,793	
FY 00	Final Expenditure	766,379	468,411	294,968	33
	Initial Allocation	381,472			
	Supplemental	437,128			
	Social Services	416,057	254,294	161,763	
	Schools	350,322	214,117	136,205	
	Medicaid		Federal	State	Local
	Final Expenditure		(51.67%)	(29.54%)	(18.79%)
	Initial Allocation	45,289	23,401	13,378	8,510
		88,879			

A BILL to amend and reenact § 53.1-183 of the Code of Virginia, relating to membership on Community Justice Boards.

Be it enacted by the General Assembly of Virginia:

That § 53.1-183 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-183. Community criminal justice boards.

Each county or city or combination thereof developing and establishing a local pretrial services or a community-based probation program pursuant to the provisions of this article shall establish a community criminal justice board. Each county and city participating in a local pretrial or community-based probation program shall be represented on the community criminal justice board. In the event that one county or city appropriates funds to the program as part of a multijurisdictional effort, any other participating county or city shall be considered to be participating in a program if such locality appropriates funds to the program. Appointments to the board shall be made by each local governing body. In cases of multijurisdictional participation, unless otherwise agreed upon, each participating city or county shall have an equal number of appointments. Boards shall be composed of the number of members established by resolution or ordinance of each participating jurisdiction. Each board shall include, at a minimum, the following mandatory members: a member from each governing body ~~or a city or county manager, county administrator or executive, or assistant or deputy~~ or such other person as may be appointed by the governing body: a judge of the general district court; a circuit court judge; a juvenile and domestic relations district court judge; a chief magistrate; one chief of police or the sheriff in a jurisdiction not served by a police department to represent law enforcement; an attorney for the Commonwealth; a public defender, and/or an attorney who is experienced in the defense of criminal matters; a sheriff or the regional jail administrator responsible for jails serving those jurisdictions involved in the local pretrial services and community-based probation program; a local educator; and a community services board administrator.

A BILL to amend and reenact § 10.1-2107 of the Code of Virginia, relating to the authority of the Chesapeake Bay Local Assistance Board to adopt regulations requiring regular pump outs of septic tanks.

Be it enacted by the General Assembly of Virginia:

That § 10.1-2107 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2107. Board to develop criteria.

A. In order to implement the provisions of this chapter and to assist counties, cities and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations which establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations which establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in these areas. Such regulations may require the periodic pump-out of onsite sewage treatment systems provided, however, that an exemption shall be provided for the owner of any such onsite sewage treatment system who can provide to the appropriate local government official documentation from a qualified inspector that the on-site sewage treatment system is functioning properly.

B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote: (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth.

C. Prior to the development or amendment of criteria, the Board shall give due consideration to, among other things, the economic and social costs and benefits which can reasonably be expected to obtain as a result of the adoption or amendment of the criteria.

D. In developing such criteria the Board may consult with and obtain the comments of any federal, state, regional, or local agency that has jurisdiction by law or special expertise with respect to the use and development of land or the protection of water. The Board shall give due consideration to the comments submitted by such federal, state, regional, or local agencies.

~~E. Criteria shall be adopted by July 1, 1989.~~

A BILL to amend and reenact § 46.2-833.01 of the Code of Virginia to authorize the County of York to implement a photo-monitoring system to enforce traffic light signals.

Be it enacted by the General Assembly of Virginia:

That § 46.2-833.01 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-833.01. (Effective until July 1, 2005.) Use of photo-monitoring systems to enforce traffic light signals; penalty.

A. The governing body of any city having a population of more than 390,000, any city having a population of at least 200,000 but less than 225,000, any county having the urban county executive form of government, any county adjacent to such county, ~~and any city or town adjacent to or surrounded by such county except any county having the county executive form of government and the cities surrounded by such county, and any county having a population according to the 1990 United States Census of at least 40,000, but less than 50,000,~~ may provide by ordinance for the establishment of a demonstration program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than twenty-five intersections within each locality at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a technician employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior

to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation-monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of §§ 46.2-833, 46.2-835, or § 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed fifty dollars nor shall it include court costs.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle as shown, in the case of vehicle owners, in the records of the Department of Motor Vehicles or, in the case of vehicle lessees or renters, in the records of the lessor or rentor. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection D of this section and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.

H. In any action at law brought by any person or entity as the result of personal injury or death or damage to property, such evidence derived from a photo-monitoring system shall be admissible in the same method prescribed as required in the prosecution of an offense established under this section without the requirements of authentication as otherwise required by law.

I. On behalf of a locality, a private entity may not obtain records regarding the registered owners of vehicles which fail to comply with traffic light signals. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation-monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only an employee of the locality may swear to or affirm the certificate required by subsection C.

J. The provisions of this section shall expire on July 1, 2005.